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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION
15

16 SECURITIES AND EXCHANGE
COMMISSION,

17 Plaintiff,

18 v.
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20 MARK LESLIE, et al.,

21 Defendants.
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Case No. 5:07-CV-03444-JF

**STIPULATION AND [PROPOSED]
ORDER TO (1) SHORTEN TIME TO
HEAR DEFENDANT KENNETH E.
LONCHAR'S MOTION TO REVISE
SCHEDULING ORDER AND TO
FINALIZE DISCOVERY; AND (2)
TEMPORARILY EXTEND THE
DISPOSITIVE MOTION FILING
DEADLINE TO DECEMBER 4, 2009**

Judge: Hon. Jeremy Fogel

1 Pursuant to Local Rule 6-2(a), Plaintiff Securities and Exchange Commission ("SEC")
2 and Defendants Mark Leslie, Kenneth E. Lonchar, and Paul A. Sallaberry ("Defendants"), by and
3 through counsel, hereby stipulate as follows:

4 1. WHEREAS, on October 15, 2009, this Court issued an Order setting the current
5 schedule for the filing of dispositive motions:

6 (a) The Parties shall file dispositive motions no later than November 20, 2009;

7 (b) The Parties shall file oppositions to dispositive motions no later than
8 December 21, 2009;

9 (c) The Parties shall file reply briefs in support of dispositive motions no later
10 than January 13, 2010; and

11 (d) The Parties shall argue dispositive motions on January 29, 2010.

12 (e) Trial is scheduled for May 10, 2010;

13 2. WHEREAS, on October 27, 2009, Defendant Kenneth E. Lonchar ("Mr.
14 Lonchar") produced a disk to the SEC containing certain documents in electronic format;

15 3. WHEREAS, between October 29, 2009 and November 13, 2009, the parties
16 engaged in extensive meet and confer efforts regarding, *inter alia*, the dispositive motion briefing
17 schedule, the re-opening of discovery, what the SEC needs to do regarding the production, and
18 remedies the SEC may seek;

19 4. WHEREAS, Mr. Lonchar is filing a Motion To Revise The Scheduling Order And
20 To Finalize Discovery on November 17, 2009;

21 5. WHEREAS, the parties' dispositive motion filing deadline of November 20, 2009
22 is rapidly approaching;

23 6. WHEREAS, Mr. Lonchar intends to file a Motion with this Court on November
24 17, 2009 to Revise The Scheduling Order And To Finalize Discovery on the 851 documents
25 produced to the SEC;

26 8. WHEREAS, the SEC requires adequate time to evaluate and submit a response to
27 the Motion.
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THEREFORE, for the convenience of all parties, the parties hereby STIPULATE AND JOINTLY REQUEST THE COURT TO APPROVE:

(1) That Mr. Lonchar's Motion To Revise Scheduling Order And To Finalize Discovery be heard on shortened time.

(2) That the dispositive and related motion filing deadline temporarily be extended to December 4, 2009, in order to allow Court time to rule the Motion without interfering with the current filing date of November 20, 2009, and that the Court set all dates pertinent to the filing of dispositive motions at the time it rules on the Motion.

Dated: November 17, 2009

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ Robin Linsenmayer

ROBIN LINSENMAAYER

Attorneys for Defendant Kenneth E. Lonchar

Dated: November 17, 2009

U.S. Securities and Exchange Commission

/s/ *With Permission*

RICHARD HONG

Attorneys for Plaintiff Securities and Exchange
Commission

Dated: November 17, 2009

SHARTSIS FRIESE LLP

/s/ *With Permission*

GREGG FARANO

Attorneys for Defendant Paul A. Sallaberry

Dated: November 17, 2009

FARELLA BRAUN + MARTEL LLP

/s/ *With Permission*

ANTHONY SCHOENBERG

Attorneys for Defendant Mark Leslie

ORDER

Pursuant to stipulation, and good cause appearing therefore, IT IS HEREBY ORDERED that Defendant Kenneth E. Lonchar's Motion to Revise the Scheduling Order and to Finalize Discovery be heard on shortened time, pursuant to the following schedule:

1. Mr. Lonchar shall file the Motion on November 17, 2009;
2. The SEC's opposition to the Motion shall be filed on November 20, 2009;
3. No further written submissions shall be filed; and
4. The dispositive and related motion filing deadline shall be temporarily extended to December 4, 2009, with final dates to be set at the time Motion is decided by the Court.

IT IS SO ORDERED.

Dated: November 19, 2009



HONORABLE JEREMY FOGEL
United States District Judge